

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
December 30, 2014 - 9:00 A.M.

PRESENT: COMMISSIONER GARY J. ANDERSON, CHAIR
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR
COMMISSIONER DOUG WITNEY

ALSO PRESENT:

Jeffrey R. Buhman, Utah County Attorney	Mark Brady, Assistant Personnel Director
E. Kent Sundberg, Civil Division Chief Attorney	Merritt Fullmer, Personnel Office
David Shawcroft, Utah County Deputy Attorney	Jane Ivie, Personnel Office
Robert J. Moore, Utah County Deputy Attorney	Jeff Smith, Utah County Recorder
Paul Jones, Utah County Deputy Attorney	Andrea Allen, Utah County Recorder's Office
Bryan E. Thompson, Utah County Clerk/Auditor	Dalene Higgins, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Mike Forshee, Utah County Sheriff's Office
Jim Stevens, Utah County Assessor's Office	Cary McConnell, Utah County Treasurer's Office
Bryce Armstrong, Community Development	Fred Hayes, Utah State Parks
Joshua K. Ivie, Community Development	Robert Fillerup, Attorney
Dr. Joseph K. Miner, Health Department Exec. Director	Eldon A. Neves, Citizens for Rural Utah
Richard Nielson, Utah County Public Works Director	David Grow, -No further information given-
Gary Ratcliffe, Utah County Surveyor	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:10 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Larry A. Ellertson, Utah County Commissioner
PLEDGE OF ALLEGIANCE: Doug Witney, Utah County Commissioner

PUBLIC HEARING

PUBLIC HEARING TO DISCUSS AMENDING AND INCREASING THE 2014 UTAH COUNTY BUDGET IN THE COUNTY'S GENERAL FUND AND VARIOUS OTHER BUDGETARY FUNDS (*Public Hearing set December 16, 2014 and ratified December 23, 2014*)

Commissioner Anderson opened the Public Hearing and invited comment; no members of the public came forward. Utah County Clerk/Auditor Bryan E. Thompson explained that an additional \$1,500,000 is being added to the 2014 Budget based on the budget opening that occurred in August; there will be a two or three month closeout period to finalize internal accounts, but the final amount should end within a \$74,700,000 to \$75,000,000 amount. The approval today is suggested at \$76,249,000. Commissioner Anderson asked about funding for the Public Defender office, and Mr. Thompson confirmed Commission instruction had been followed.

Commissioner Ellertson commented on the 281 Fund which addresses TRCC (Tourism, Recreation, Culture and Convention Facilities Tax) monies. There was an item for \$2,426,000, but the actual amount will be approximately four-hundred-thousand less, or \$2,026,000. Commissioner Ellertson requested the schedule be adjusted to show the additional carry-over, and Bryan E. Thompson noted that would be done as part of the final closing-out processes; the current amount shown is more of a placeholder.

Commissioner Witney made the motion to close the Public Hearing to discuss amending and increasing the 2014 Utah County Budget in the County's General Fund and various other budgetary funds. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None

CONSENT AGENDA

1. **RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE CONTRACT FOR APPRAISAL SERVICES WITH DH GROUP IN THE AMOUNT OF \$3,200 FOR THE JORDAN TO MURDOCK TRAIL PROJECT**

2. **DECLARE A REFRIGERATOR AS SURPLUS TO BE DISPOSED OF VIA PUBLIC AUCTION**
The Board requested Consent Agenda Item No. 2 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

3. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60317, DATED DECEMBER 23, 2014**

4. **APPROVE THE MINUTES OF THE DECEMBER 9, 2014 COMMISSION MEETING**

5. **RATIFICATION OF PAYROLL**

Period 26	2 Checks: \$ 456.84	1,090 Total Deposits: \$1,439,948.53	Total: \$1,440,405.37
		Federal Payroll Taxes	Total: \$ 203,196.36

6. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 1222	December 19, 2014	Direct Deposit:21075-21077	Total: \$ 2,184.28
Register No. 1223	December 19, 2014	Check Nos. 202713-202717	Total: \$ 1,170.25
Register No. 1224	December 22, 2014	Direct Deposit:21078-21078	Total: \$ 11,647.98
Register No. 1225	December 22, 2014	Purchasing Cards 3701-3723	Total: \$ 2,820.13
Register No. 1226	December 22, 2014	Check Nos. 202718-202772	Total: \$ 61,773.26
Register No. 1227	December 22, 2014	Check Nos. 202773-202785	Total: \$ 516.00
Register No. 1228	December 22, 2014	Check Nos. 202786-202786	Total: \$ 6.00
Register No. 1229	December 22, 2014	Check Nos. 202787-202814	Total: \$ 906.00
Register No. 1230	December 23, 2014	Purchasing Cards 3724-3724	Total: \$ 937.10
Register No. 1231	December 23, 2014	Purchasing Cards 3725-3727	Total: \$ 259.85
Register No. 1232	December 23, 2014	Bond Wires:355-357	Total: \$ 6,890.68
Register No. 1233	December 23, 2014	Direct Deposit:21079-21084	Total: \$ 764,238.89
Register No. 1234	December 23, 2014	Direct Deposit:21085-21100	Total: \$ 33,343.18
Register No. 1235	December 23, 2014	Check Nos. 202815-202853	Total: \$ 356,239.18
Register No. 1236	December 23, 2014	Check Nos. 202854-202946	Total: \$ 649,600.98
Register No. 1237	December 23, 2014	Check Nos. 202947-202947	Total: \$ 3,414.45
Register No. 1238	December 24, 2014	Bond Wires:358-359	Total: \$ 577.93
Register No. 1239	December 24, 2014	Check Nos. 202948-202987	Total: \$ 37,183.57
Register No. 1240	December 26, 2014	Purchasing Cards 3728-3768	Total: \$ 177,350.10

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 30, 2014

Page 3

Register No. 1241	December 26, 2014	Direct Deposit:21101-21102	Total: \$	358.68
Register No. 1242	December 26, 2014	Check Nos. 202988-202991	Total: \$	2,746.62
Register No. 1243	December 26, 2014	Bond Wires:360-360	Total: \$	203,196.36
Register No. 1244	December 26, 2014	Check Nos. 202992-203002	Total: \$	74,783.52
Register No. 1245	December 26, 2014	Direct Deposit:21103-21111	Total: \$	765,868.48
Register No. 1246	December 26, 2014	Check Nos. 203003-203003	Total: \$	5,266.00
			<u>Total:</u>	<u>\$3,163,279.47</u>

Consent Agenda Item Nos. 1 and 3 through 6 were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE AMENDMENTS TO THE ADMINISTRATIVE SERVICES AGREEMENT WITH PRUDENTIAL TO CHANGE THE ANNUAL REVENUE AMOUNT FOR THE 111414, 111415 AND 111416 TO 0.07% (7 BASIS POINTS) EFFECTIVE DECEMBER 28, 2014**
2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR3300 COPIER, SERIAL NO. MPH18980, LOCATED IN THE ATTORNEY'S OFFICE - EXPIRES DECEMBER 31, 2015**
3. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR1600 COPIER, SERIAL NO. MQS00747, LOCATED IN THE CLERK/AUDITOR'S OFFICE - TAX ABATEMENT - EXPIRES DECEMBER 31, 2015**
4. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR3530 COPIER, SERIAL NO. KJG03465, LOCATED IN COMMUNITY DEVELOPMENT - EXPIRES DECEMBER 31, 2015**
5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR3300 COPIER, SERIAL NO. MPH40489, LOCATED IN THE EXTENSION OFFICE - EXPIRES DECEMBER 31, 2015**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR2200 COPIER, SERIAL NO. MPG55459, LOCATED IN THE HEALTH DEPARTMENT - EXPIRES DECEMBER 31, 2015**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR2020 COPIER, SERIAL NO. CLP00205, LOCATED IN THE HEALTH DEPARTMENT - EXPIRES DECEMBER 31, 2015**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH CANON SOLUTIONS AMERICA FOR AN IR2800 COPIER, SERIAL NO. MPJ12515, LOCATED IN THE DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT - EXPIRES DECEMBER 31, 2015**
11. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH TED HONE EXCAVATING, INC. TO INSTALL 18 FEET OF CURB AND GUTTER AT THE CEDAR HILLS TRAILHEAD ON THE MURDOCK CANAL TRAIL**

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 30, 2014

Page 4

12. APPROVE AND AUTHORIZE THE JURISDICTIONAL TRANSFER OF ELK RIDGE DRIVE BETWEEN 11200 SOUTH AND GOOSENEST DRIVE FROM UTAH COUNTY TO ELK RIDGE CITY, AND AUTHORIZE THE UTAH COUNTY CLERK/AUDITOR TO SIGN THE APPROPRIATE QUIT CLAIM DEEDS FOR THAT PORTION OF THE ROAD

14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A SERVICE AGREEMENT AND ADDENDUM WITH EVERBRIDGE FOR COUNTY WIDE MASS NOTIFICATION SYSTEM
(Continued from the December 16, 2014 Commission meeting)

The Board suggested this item be stricken from the agenda.

STRICKEN

15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH ENVISION UTAH

16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE AGREEMENT WITH THE UTAH TRANSPORTATION COALITION

17. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE 2015 AGREEMENT BETWEEN UTAH COUNTY AND THE UTAH COUNTY PUBLIC DEFENDERS ASSOCIATION

18. ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE RENEWAL OF UTAH COUNTY'S COMMITMENT TO THE MASTER LEASE AGREEMENT BETWEEN THE MUNICIPAL BUILDING AUTHORITY OF UTAH COUNTY UTAH, AS LESSOR, AND UTAH COUNTY, AS LESSEE, OF THE MOUNTAINLAND APPLIED TECHNOLOGY COLLEGE SPANISH FORK FACILITY FOR THE PERIOD FROM JANUARY 1, 2015 TO DECEMBER 31, 2015

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 5 and 6 were ratified; No. 2 was tabled for further discussion, and Nos. 3 and 4 were approved. Regular Agenda Item No. 1 was approved; Nos. 2 through 8, 11, 12, and 15 through 17 were approved and authorized; No. 14 was stricken from the agenda; and No. 18 was adopted.

AGREEMENT NOS.: 2014-859, 2014-860, 2014-861, 2014-862, 2014-863, 2014-864, 2014-865, 2014-866, 2014-867, 2014-868, 2014-869, 2014-870, 2014-871, 2014-872, 2014-873, 2014-874 and 2014-875

RESOLUTION NO.: 2014-141

REGULAR AGENDA

(PULLED FROM CONSENT)

2. DECLARE A REFRIGERATOR AS SURPLUS TO BE DISPOSED OF VIA PUBLIC AUCTION

Utah County Health Department Executive Director Dr. Joseph K. Miner came forward to explain that the refrigerator in the Immunizations Office is not very old, but is malfunctioning. The department is unable to claim any warranty on the unit because a thermometer alarm system was added by drilling into the refrigerator; this effectively voids any guarantee though the alteration is not related to the refrigerator problems and the alarm is required for public health. Commissioner Anderson asked about the cost of a new unit, and Commissioner Witney asked whether it is possible to obtain a refrigerator with the thermometer alarm already installed. Dr. Miner was unsure of both questions, and the Board suggested this item be continued in order to gather more information.

Commissioner Ellertson made the motion to continue Consent Agenda Item No. 2 regarding a surplus refrigerator for one week to the January 6, 2015 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

CONTINUED TO JANUARY 6, 2014

REGULAR AGENDA

The commissioners chose to discuss Regular Agenda Item Nos. 9 and 10 simultaneously as they are directly related.

9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2014-443 WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE FOSTER GRANDPARENT PROGRAM

AGREEMENT NO. 2014-876

10. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR THE SENIOR COMPANION PROGRAM

AGREEMENT NO. 2014-877

Utah County Health Department Executive Director Dr. Joseph K. Miner introduced Sherry and Marianne from his office, and Commissioner Ellertson asked about the timeline of these agreements for the Corporation for National and Community Service. Dr. Miner explained the contracts for federal monies for these local programs would cover one-third of the year. Marianne added that Congress generally approves the continuation of these items after providing some of the funding at the beginning of the year. Commissioner Witney stated Foster Grandparents and Senior Companions are two of the greatest programs offered by the county, and Commissioner Ellertson noted these programs benefit the volunteers as well as the people they serve. Commissioner Anderson praised the work of the employees.

Commissioner Ellertson made the motion to approve and authorize the two agreements with the Corporation for National and Community Service for the Foster Grandparent Program and the Senior Companion Program as detailed in Regular Agenda Item Nos. 9 and 10, respectively. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A REAL ESTATE PURCHASE AGREEMENT FOR APPROXIMATELY 22.89 ACRES FOR \$2,400,000, AND AUTHORIZING ALL SETTLEMENT DOCUMENTS

Commissioner Anderson summarized the purpose of this real estate purchase agreement is for the Bridal Veil Falls area. Utah County Deputy Attorney Robert J. Moore approached the bench with Utah County Public Works Director Richard Nielson to clarify the property includes five parcels of land. The county has had a good experience working with

UTAH COUNTY BOARD OF COMMISSIONERS

MINUTES - December 30, 2014

Page 6

Beautiful Cascades LLC and their representatives who are present at the meeting today. Mr. Moore explained that the proposed contract has been reviewed by both parties; it is for the county to obtain the five parcels making up almost twenty-three acres, as well as a Quit-Claim Deed for approximately seventy acres in surrounding land. The agreement also includes two acre-feet of water shares and water rights. Commissioner Ellertson asked whether it is water shares or acre-feet, and Mr. Moore deferred to Robert Fillerup for a response. Mr. Moore commented that in the view of a citizen, this is a great win for the county as we are preserving a beautiful spot for Utah County.

Commissioner Witney mentioned that the Board has been accused in the past of being short-sighted. He expressed that actions taken during the last six months are quite visionary, listing a potential Utah Lake boat harbor and this project as examples. Bridal Veil Falls is an iconic image for Utah County and the county Public Works Department already controls and manages the trail along the north side of Provo River. Commissioner Witney explained that while a lot of the property is already county-owned, buying this piece helps to expand the preservation area in Provo Canyon. Commissioner Anderson commended the Grow family (representatives of Beautiful Cascades LLC) in fighting to protect this important part of the county. He stated it needs to be in the public domain, and thanked them for taking care of it. Commissioner Ellertson added that this has been discussed with several entities, including Provo City, the Forest Service, and the State Parks; they anticipate working together to move forward in what is best for the area. Commissioner Anderson also acknowledged Utah County Public Works Director Richard Nielson for his work in the process.

Director Fred Hayes of the Utah Division of Parks and Recreation commented on the spectacular real estate represented by Bridal Veil Falls, and the significance of it going beyond Utah County. There is so much recreation in Provo Canyon between the numerous parks, Provo River, fishing, trails, the Heber Valley Railroad and Sundance, and Mr. Hayes applauds the county for taking the opportunity to preserve it.

Commissioner Ellertson noted that individuals have approached the county in the past regarding development for that area, and Commissioner Anderson commented on the beginnings of a plan in optimizing the experience for local residents and tourists. Commissioner Witney mentioned the land is being purchased with the use of TRCC funds, which is exactly the type of project which should be designated for those monies: it will encourage tourism, and he cannot think of a place in Utah County more apt for that purpose.

Robert Moore summarized the \$2,400,000 total for the five parcels of property via warranty deed, as well as the Quit-Claim deed for the 'Bridal Veil Falls Master Plan.' Any interest that the Grow family of Beautiful Cascades LLC may or may not have within that additional seventy acres would be transferred to Utah County. Mr. Moore again mentioned the water rights/water shares, and noted the earnest money prepared for completion today. The closing date will be the end of 2015; Beautiful Cascades LLC has been very gracious with deadlines and contract details.

Robert Fillerup came forward as representative of Beautiful Cascades LLC. He addressed technical issues, noting there are some glitches with the title for one of the five parcels. Mr. Fillerup stated it should not be a problem to resolve those issues. He also clarified the water rights are two-acre-feet of direct flow Class 'A' water in Provo River; not shares of stock but actual water that the county would own. Mr. Fillerup mentioned the assessment number paid annually to the Utah State Engineer, an account which will be changed to the name of the county.

Utah County Clerk/Auditor Bryan E. Thompson noted that four of the five parcels discussed currently owe delinquent taxes, and Robert Fillerup clarified that the agreement calls for the seller to pay taxes up to the time of closing. David Grow asked that 2015 property taxes not be included as part of the seller's responsibility, and discussed options with Mr. Fillerup and the Board regarding pro-rated amounts. Robert Moore clarified that occupancy will not take place until closing and mentioned that the title report will hopefully come today. Commissioner Anderson expressed Beautiful Cascades LLC should not be on the hook for 2015 taxes, and Mr. Moore stated it would depend on the closing date. Mr. Thompson pointed out the current market value of approximately \$400,000 for all five parcels; the taxes due would be based on that amount and not necessarily the sale price of \$2,400,000.

Commissioner Witney made the motion to approve and authorize a Real Estate Purchase Agreement for approximately \$2,400,000 and authorize all related settlement documents as specified in Regular Agenda Item No. 13. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-878

19. ADOPT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH VALLEY UNIVERSITY AND UTAH COUNTY

The Board suggested this item momentarily be tabled until the Utah Valley University representative was in attendance.
TABLED FOR FURTHER DISCUSSION

**Please refer to the final page of these minutes for additional notations.*

20. APPROVE AND ADOPT A RESOLUTION AMENDING AND INCREASING THE 2014 UTAH COUNTY BUDGET IN THE COUNTY'S GENERAL FUND AND VARIOUS OTHER BUDGETARY FUNDS

Utah County Clerk/Auditor Bryan E. Thompson confirmed the dollar amounts for the 281 TRCC Fund as specified by Commissioner Ellertson during the Public Hearing held at the opening of this meeting: instead of \$2,426,000 the amount in the final schedule will show \$2,026,000, and will be categorized as 'other projects' rather than 'land purchases.'

Commissioner Witney made the motion to adopt the resolution amending and increasing the 2014 Utah County Budget as identified in Regular Agenda Item No. 20. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

AGREEMENT NO. 2014-142

The commissioners returned to previously tabled Regular Agenda Item No. 19 at this point.

19. ADOPT RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UTAH COUNTY, UTAH, APPROVING INTERLOCAL COOPERATION AGREEMENT BETWEEN UTAH VALLEY UNIVERSITY AND UTAH COUNTY

Commissioner Anderson introduced Val Peterson, Utah Valley University Vice President of Finance and Administration. The University would like to build a Fine Arts and Performing Center, a 120,000 square feet and \$36,000,000 project. Mr. Peterson explained the University expects a match from the legislature if half of the money, or approximately \$18,000,000, can be developed through different funds. At this point \$12,500,000 has already been donated or committed from various sources who are interested in seeing a contribution from the county or city.

Val Peterson explained how the performing arts section of the school is currently housed with the mechanical trades students, and Commissioner Ellertson joked that the groups could collaborate for the percussion-filled *1812 Overture*. Mr. Peterson provided historical background on the long-standing cooperation and support between Utah Valley University (UVU) and Utah County, noting that sixty-eight percent of the current student population is from the county. He called this project the last piece needed to make the college an overall comprehensive university for the valley.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 30, 2014
Page 8

Commissioner Anderson commented on the tourist and economical draw of having a Fine Arts Center on campus, and the benefit to the entire community. Val Peterson mentioned performances by the Utah Symphony, the Utah Valley Symphony, the Regional Ballet, numerous dance competitions, and collaborative efforts with the UCCU (Utah Community Credit Union) Center for events. Mr. Peterson also clarified that the new center would invite attendance by the general public and not just for students.

Commissioner Anderson addressed the proposed contract which offers two options for payment, noting the potential for the county to save \$1,000,000 through a one-time distribution from the 2014 Budget and expressing a desire to move forward with the agreement. Commissioner Witney stated he is in favor of UVU and thoroughly enjoys meeting with Val Peterson and UVU President Matthew Holland, but is hesitant to commit funds at this time due to county priorities. He questioned the use of TRCC (Tourism, Recreation, Culture and Convention Facilities Tax) monies for a state-funded university. Commissioner Witney referred to an agreement between the Museum of Curiosity and Utah County in which the financial county contribution allows county students to visit at no cost; he does not see the same sort of "payback" with this contract. Mr. Peterson mentioned the children's theater program which is provided for free to local elementary schools. He repeated that Utah Valley University is really Utah County's university - the positive education and experience for students is dependent upon multiple agencies.

Commissioner Ellertson made the motion to adopt the resolution approving an interlocal cooperation agreement between Utah Valley University and Utah County as discussed in Regular Agenda Item No. 19, choosing the one-time payment specified in Section 3, Option 2 of the contract. The motion was seconded by Commissioner Witney and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

RESOLUTION NO. 2014-143
AGREEMENT NO. 2014-879

**Please refer to the final page of these minutes for additional notations.*

The commissioners moved forward with the remaining agenda items as numbered.

21. ADOPT A RESOLUTION AMENDING THE COMPENSATION STRUCTURE FOR ELECTED OFFICIALS AND SETTING 2015 SALARIES

Commissioner Ellertson noted his request for discussion on this item, mentioning that there had been some confusion and he would like to answer any questions. He clarified this resolution is to do for the Elected Officials what has been done for county employees regarding 401(A) retirement accounts. The Utah County Career Service Council has reviewed the proposal and submitted a letter of support to the commissioners in favor of this action. Commissioner Ellertson noted the market study that indicated a one-step increase for all Elected Officials would be appropriate; the total of the combined 401(A) and step-increase benefits would total three percent. He pointed out that it has been seven years since any increase for Elected Officials while other employees have continued to receive them.

Commissioner Witney expressed his understanding of the resolution, stating his opinion that it is an increase and he promised not to raise salaries while in office. Commissioner Anderson questioned the impact of state retirement on eligibility for the 401(A) account. Merritt Fullmer of the Utah County Personnel Office confirmed this would be more money than a state-retired public safety employee would otherwise earn. She explained how URS (Utah Retirement Systems) regulations limit post-retirees by Tier 1 or Tier 2 benefits. Commissioner Witney repeated that Elected Officials are currently paid enough, except for Utah County Surveyor Gary Ratcliffe. Commissioner Anderson

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 30, 2014
Page 9

commended Commissioner Witney's stance and integrity, and expressed his own mixed feelings on the matter. Commissioner Anderson mentioned that the 401(A) is part of the compensation package, but some may consider it a hidden benefit. Ms. Fullmer agreed that the transfer of 401(A) monies to salary would be more transparent.

Utah County Attorney Jeffrey R. Buhman commented on the importance of an elected position having parity for law enforcement post-retirees. People already in the retirement system should be encouraged to run for office; this is currently a disincentive. Mr. Buhman also agreed that while this information is not hidden, it would be more transparent to the public to include the monies as salary. He noted that he would personally keep the funds in retirement, and sees the salary increase as more of a cost-of-living adjustment. Mr. Buhman stated he has always advocated for commissioners and Elected Officials to treat themselves in a like manner as other county employees.

Merritt Fullmer explained the proposed resolution including two steps: the first to switch 401(A) accounts to salary, and the second being the step increase. The Board reviewed the percentages and options for compensation packages.

Commissioner Ellertson made the motion to adopt the resolution amending the compensation structure for Elected Officials and setting 2015 salaries as specified in Regular Agenda Item No. 21, including both steps of the process as detailed in Exhibit A.

Because there was lack of a second, Commissioner Anderson briefly suspended Robert's Rules of Order for the purpose of seconding this motion.

The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
NAY: Doug Witney**

RESOLUTION NO. 2014-144

The commissioners determined it would not be necessary to hold any closed meetings.

22. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

STRICKEN

23. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION

STRICKEN

24. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

STRICKEN

25. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY

STRICKEN

26. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED

STRICKEN

Commissioner Witney made the motion to strike Regular Agenda Item Nos. 22 through 26 to set dates, times and locations for closed meetings to discuss the character, professional competence, or physical or mental health of an individual or individuals; to discuss pending or reasonably imminent litigation; to discuss the purchase, exchange, or lease of real property; to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

Utah County resident Eldon A. Neves to say good-bye to the outgoing commissioners at the end of their terms of office, Commissioner Anderson and Commissioner Witney. Mr. Neves stated that while he does not always agree with Commissioner Witney, he considers him upright, honest, and full of integrity. He called Commissioner Anderson a brother and a friend, and recalled stories of their shared experiences. He presented them both with small personal gifts.

Commissioner Ellertson removed himself from the bench in order to address the room as an individual with public comment. Commissioner Ellertson stated he thoroughly enjoyed being mayor, and is still choosing to enjoy being a commissioner. He noted that both Commissioners Anderson and Witney have added to that experience.

Commissioner Anderson thanked everyone for their kindness, stating the people that work for the county are the best people in the world. Commissioner Witney echoed the sentiments. The audience stood to sing a round of 'He's a Jolly Good Fellow' for Commissioner Anderson and Commissioner Witney, applauding and expressing gratitude for their service to Utah County.

This concluded the public comment portion of the open meeting.

Commissioner Witney made the motion to adjourn the December 30, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson
Larry A. Ellertson
Doug Witney
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:33 A.M. The minutes of the December 30, 2014 Commission meeting were approved as transcribed on February 10, 2015.

UTAH COUNTY BOARD OF COMMISSIONERS
MINUTES - December 30, 2014
Page 11

LARRY A. ELLERTSON, Commission Vice-Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

***Regular Agenda Item No. 19:**

The commissioners briefly tabled discussion of Regular Agenda Item No 19, regarding a resolution approving an interlocal cooperation agreement with Utah Valley University. They returned to discussion of the item immediately following Regular Agenda Item No. 20, and approved the item by unanimous vote.

Copies Available on the County Web Site at www.utahcountyonline.org
Recorded by Renée Huggins-Caron, Clerk/Auditor Administrative Assistant